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In re Application of:  
John D. YATES et al  
Application No. 09/425,401  
Filed: October 22, 1999  
For: PROFILING PROGRAM EXECUTION TO  
IDENTIFY FREQUENTLY EXECUTED  
PORTIONS AND ASSIST BINARY  
TRANSLATION

**MAILED**

NOV 14 2005

**Technology Center 2100**

**DECISION ON PETITION TO  
WITHDRAW FROM ISSUE  
UNDER 37 CFR § 1.313(a)**

This is a decision on the Petition to Withdraw from Issue under 37 CFR § 1.313(a) filed November 11, 2005.

The petition is **GRANTED**.

The application is being withdrawn to permit consideration of a question of double patenting between claims 1-30 of the instant application and claims 1-51 of the application 09/330,852.

Patent and Trademark Office records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a specified Deposit Account.

The application is being forwarded to the examiner for action.

Any inquiry concerning this decision should be directed to Vincent N. Trans whose telephone number is (571) 272-3613.

  
Peter Wong, Director  
Technology Center 2100  
Computer Architecture, Software, and  
Information Security